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Donald F. Haas

Date: January 5, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of )

DAVID S. BROWN and )  
RICHARD E. ROBERTSON )

Serial No. 09/832,070 )

Filed April 10, 2001 )

NICKEL-CONTAINING ETHYLENE )  
OLIGOMERIZATION CATALYST AND USE )  
THEREOF )

Group Art Unit: 1755

Examiner: James W. Pasterczyk

January 5, 2004

COMMISSIONER FOR PATENTS  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO REJECTION**

In the Advisory Action mailed October 20, 2003, the Examiner stated that the Request for Reconsideration mailed October 7, 2003 did not overcome the rejection because N,N-dimethyl acetamide (DMA) is a water soluble Lewis base which reads on the present ingredient c), i.e. a water soluble base. The Applicants submit the enclosed Declaration Under Rule 132 from one of the inventors herein, David S. Brown, to refute the Examiner's suggestion that DMA is a water soluble base in the reaction system of the present invention.

It can be seen from the Declaration that DMA is a base only in the broad sense that all compounds are either acids or bases. The pKa of DMA is so small (0.10) as to make it a poor proton acceptor. The Declaration states one of the purposes of the water soluble base is to neutralize benzoic acid formed by decomposition of the catalyst ligand in order to achieve the desired acid/base balance and that benzoic acid, with a pKa of about 4, will not react with DMA.

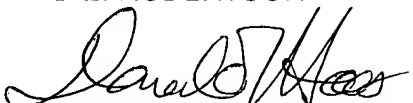
Thus, DMA cannot perform this function of the water soluble base of this invention. The Declarant states that it is his opinion that DMA would not function as a base in this reaction system.

Further, the Declarant states that DMA would not be used as a commercial solvent in this sense because it has disadvantages which make it unsuitable for commercial use, i.e., toxicity and high cost.

For the reasons set forth above and in the Declaration, the Applicants hereby request that the Examiner withdraw the rejection and issue an early notice of allowance.

Respectfully submitted,

DAVID S. BROWN and  
RICHARD E. ROBERTSON

By 

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